

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 1-57 are now in the case. Claims 44-57 have been newly added. Claims 6, 7, and 8 have been amended. Claims 13-43 have been withdrawn pursuant to the election requirement.

Applicants have amended the specification to correct a typographical error, where the mature polypeptide has been inadvertently disclosed as amino acid residues 33 to 162. Support for the correction can be found, for example, on page 10, lines 14-17, where the secretory signal sequence is disclosed as being amino acid residues 1-31 of SEQ ID NO: 2, and the mature polypeptide as amino acid residues 32-162 of SEQ ID NO: 2; and page 42, lines 10-14, where the secretory signal sequence is identified as being amino acid residues 1-31 of SEQ ID NO: 2.

Applicants have newly added claims 44-57, which are fully supported in the specification and do not constitute any new matter. These claims are directed to certain embodiments that have commercial value, and Applicants would like to expedite prosecution of these embodiments. Support for the claims can be found throughout the specification. For example, on page 12 of the instant specification, variant polypeptide molecules with mutations in the D helix are described. In particular, truncations and amino acid substitutions are given as examples. Applicants respectfully request that the Examiner enter these claims into Group I of the restriction groups.

The Examiner set forth the following groups, and requested that Applicants make an election of a single group.

Group I—Claims 1-9 drawn to a protein, classified in class 530, subclass 350.

Group II—Claims 10-12 drawn to a fusion protein, classified in class 530, subclass 387.3.

Group III—Claims 13-24 drawn to a nucleic acid encoding a protein, a vector, cell culture and a process for producing the protein, classified in class 435, subclass 69.1.

Group IV—Claims 25-27 drawn to a method of producing an antibody to a zalpha11 Ligand polypeptide and an anti-zalpha11 Ligand antibody, classified in class 435, subclass 7.1.

Group V—Claims 28-30 and 40 drawn to a method of stimulating an immune response in a mammal, classified in class 424, subclass 143.1.

Group VI—Claims 31-34 drawn to a method for expansion of hematopoietic cells, classified in class 424, subclass 577.

Group VII—Claims 35-38 drawn to a method of reducing proliferation of neoplastic B or T cells using a composition of zalpha11 Ligand, classified in class 424, subclass 573.

Group VIII—Claim 39 drawn to a method of reducing proliferation of neoplastic B or T cells using ligand/toxin fusion protein, classified in class 424, subclass 573.

Group IX—Claim 41 drawn to a method of detecting the presence of zalpha11 Ligand RNA, classified in class 435, subclass 6.

Group X—Claim 42 drawn to a method of detecting the presence of zalpha11 Ligand, classified in class 435, subclass 7.1.

Applicants elect Group I—Claims 1-9 drawn to a protein, with traverse. The Examiner has placed proteins in Group I and fusion proteins in Group II. However, the Restriction Requirement has not provided any reasoning why the groups would be distinct. In fact, Groups I and II are combined when Group III and Groups IV-VIII are described as distinct inventions. A restriction into distinct inventions without the Examiner's reasoning provided in the Office Action is contrary to requirement set forth in the MPEP. (See, MPEP § 817.)

In addition, Applicants traverse the restriction placing claims 1-9 and Claims 10-12 in separate groups because it would not place an undue burden on the Examiner to search both Group I and Group II. For example, if Applicants elect Group I, then a search of claim 8 would cover any possible zalpha11 Ligand amino acid sequence that would be encompassed in the fusion proteins of claims 10-12.

On the basis of the above amendments and remarks, Applicants believe the Application is condition for allowance. Consideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6672.

Respectfully Submitted,



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Enclosures:

Amendment Fee Transmittal (in duplicate)
Postcard